

Honorable Ronald B. Leighton

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DANIEL MITCHELL, et al.,

Plaintiffs,

v.

CHUCK ATKINS, et al.,

Defendants,

and

SAFE SCHOOLS SAFE COMMUNITIES,

Intervenor-Defendant.

No. 3:19-cv-05106 RBL

STIPULATED MOTION AND
[PROPOSED] ORDER SETTING
BRIEFING SCHEDULE AND
STRIKING TRIAL DATE AND
DEADLINES

NOTE FOR MOTION CALENDAR:
February 12, 2020

STIPULATED MOTION

By its Minute Order Setting Trial, Pretrial Dates (ECF No. 50), this Court set this matter for trial on June 8, 2020, and also established a case schedule of pretrial deadlines, including a dispositive motions deadline of March 10, 2020. All the Parties to this action have conferred and each plans to file a motion for summary judgment. To promote efficiency and reduce the total number of pages of briefing, the Parties wish to combine their summary judgment motions into one set of briefs and to establish a briefing schedule and page limits for cross-motions for summary judgment.

1 In addition, all Parties anticipate that resolution of the cross-motions for summary
2 judgment will materially aid in the preparation of trial and likely will determine most or all of the
3 issues in this matter. Accordingly, the Parties request that the trial date and all pretrial deadlines
4 after the March 10, 2020 dispositive motions deadline be struck pending the Court's resolution of
5 the cross-motions for summary judgment and that, if necessary, new dates be set after the Court
6 rules on the cross-motions for summary judgment.
7

8 Accordingly, pursuant to LCR 7(d)(1) and LCR 10(g), the Parties stipulate and jointly
9 move the Court to enter the subjoined order:

- 10 1. Plaintiffs will file their Motion for Summary Judgment, not to exceed 24 pages, by
11 March 10, 2020, noted for April 24, 2020.
- 12 2. Defendants and Intervenor-Defendant will file their joint Combined Cross-Motion for
13 Summary Judgment and Opposition to Plaintiffs' Motion for Summary Judgment, not
14 to exceed 40 pages, by March 31, 2020, noted for April 24, 2020.
- 15 3. Plaintiffs will file their Combined Reply in Support of Plaintiffs' Motion for Summary
16 Judgment and Opposition to Defendants' Joint Motion for Summary Judgment, not to
17 exceed 30 pages, by April 14, 2020.
- 18 4. Defendants and Intervenor-Defendant will file their joint Reply in Support of their
19 Motion for Summary Judgment, not to exceed 14 pages, by April 24.
- 20 5. The trial date and all pre-trial deadlines after the March 10, 2020 dispositive motions
21 deadline set forth in the Court's Scheduling Order, Dkt. #50, are struck and, if
22 necessary, will be reset after the Court resolves the summary judgment motions.
23
24
25
26
27

1 STIPULATED to this 12th day of February 2020.

2
3 ARD LAW GROUP PLLC

4 By: s/ Joel B. Ard
5 Joel B. Ard, WSBA # 40104
6 Ard Law Group PLLC
7 P.O. Box 11633
8 Bainbridge Island, WA 98110
9 Phone: (206) 701-9243

10 *Attorney for Plaintiffs*

11 ROBERT W. FERGUSON
12 *Attorney General*

13 NOAH G. PURCELL, WSBA No. 43492
14 *Solicitor General*

15 s/ Jeffrey T. Even
16 JEFFREY T. EVEN, WSBA No. 20367
17 Deputy Solicitor General
18 Jeffrey.Even@atg.wa.gov

19 ZACHARY PEKELIS JONES, WSBA No. 44557
20 R. JULY SIMPSON, WSBA No. 45869
21 BRENDAN SELBY, WSBA No. 55325
22 Assistant Attorneys General
23 Complex Litigation Division
24 Zach.Jones@atg.wa.gov
25 July.Simpson@atg.wa.gov
26 Brendan.Selby@atg.wa.gov

27 DIONNE PADILLA-HUDDLESTON, WSBA No. 38356
Assistant Attorney General
Licensing and Administrative Law Division
dionnep@atg.wa.gov
lalseaef@atg.wa.gov

800 Fifth Avenue, Suite 2000
Seattle, WA 98104-3188

Attorneys for Defendant Teresa Berntsen

s/ Leslie A. Lopez

Leslie A. Lopez, WSBA #46118

Deputy Prosecuting Attorney

Clark County Prosecutor's Office – Civil Division

PO Box 5000

Vancouver WA 98666-5000

Tele: (564) 397-2478

leslie.lopez@clark.wa.gov

Attorney for Defendant Chuck Atkins

s/ Salvatore J. Faggiano

Salvatore J. Faggiano, WSBA #15696

Assistant City Attorney

Office of the City Attorney

808 W. Spokane Falls Blvd.

Spokane, WA 99201-3326

Telephone: (509) 625-6818

Fax: (509) 625-6277

sfaggiano@spokanecity.org

Attorney for Defendant Craig Meidl

PACIFICA LAW GROUP LLP

s/ Gregory J. Wong

Paul J. Lawrence, WSBA No. 13557

Gregory J. Wong, WSBA No. 39329

Nicholas W. Brown, WSBA No. 33586

Kai A. Smith, WSBA No. 54749

*Attorneys for Intervenor-Defendant Safe Schools Safe
Communities*

ORDER

IT IS HEREBY ORDERED that:

1. Plaintiffs will file their Motion for Summary Judgment, not to exceed 24 pages, by March 10, 2020, noted for April 24, 2020.
2. Defendants and Intervenor-Defendant will file their joint Combined Cross-Motion for Summary Judgment and Opposition to Plaintiffs' Motion for Summary Judgment, not to exceed 40 pages, by March 31, 2020, noted for April 24, 2020.
3. Plaintiffs will file their Combined Reply in Support of Plaintiffs' Motion for Summary Judgment and Opposition to Defendants' Joint Motion for Summary Judgment, not to exceed 30 pages, by April 14, 2020.
4. Defendants and Intervenor-Defendant will file their joint Reply in Support of their Motion for Summary Judgment, not to exceed 14 pages, by April 24.
5. The trial date and all pre-trial deadlines after the March 10, 2020 dispositive motions deadline set forth in the Court's Scheduling Order (Dkt. #50) are struck and, if necessary, will be reset after the Court resolves the summary judgment motions.

IT IS SO ORDERED this ___ day of February 2020.

The Honorable Ronald B. Leighton
United States District Judge

JOINTLY PRESENTED BY:

ARD LAW GROUP PLLC

By: s/Joel B. Ard

Joel B. Ard, WSBA # 40104

1 Ard Law Group PLLC
2 P.O. Box 11633
3 Bainbridge Island, WA 98110
4 Phone: (206) 701-9243

5 *Attorney for Plaintiffs*

6 ROBERT W. FERGUSON
7 *Attorney General*

8 NOAH G. PURCELL, WSBA No. 43492
9 *Solicitor General*

10 *s/ Jeffrey T. Even*
11 JEFFREY T. EVEN, WSBA No. 20367
12 Deputy Solicitor General
13 Jeffrey.Even@atg.wa.gov

14 ZACHARY PEKELIS JONES, WSBA No. 44557
15 R. JULY SIMPSON, WSBA No. 45869
16 BRENDAN SELBY, WSBA No. 55325
17 Assistant Attorneys General
18 Complex Litigation Division
19 Zach.Jones@atg.wa.gov
20 July.Simpson@atg.wa.gov
21 Brendan.Selby@atg.wa.gov

22 DIONNE PADILLA-HUDDLESTON, WSBA No. 38356
23 Assistant Attorney General
24 Licensing and Administrative Law Division
25 dionnep@atg.wa.gov
26 lalseaef@atg.wa.gov

27 800 Fifth Avenue, Suite 2000
Seattle, WA 98104-3188

Attorneys for Defendant Teresa Berntsen

28 *s/ Leslie A. Lopez*
29 Leslie A. Lopez, WSBA #46118
30 Deputy Prosecuting Attorney
31 Clark County Prosecutor's Office – Civil Division
32 PO Box 5000
33 Vancouver WA 98666-5000
34 Telephone: (564) 397-2478

1 leslie.lopez@clark.wa.gov

2 *Attorney for Defendant Chuck Atkins*

3 *s/ Salvatore J. Faggiano*

4 Salvatore J. Faggiano, WSBA #15696

5 Assistant City Attorney

6 Office of the City Attorney

7 808 W. Spokane Falls Blvd.

8 Spokane, WA 99201-3326

Telephone: (509) 625-6818

Fax: (509) 625-6277

sfaggiano@spokanecity.org

9 *Attorney for Defendant Craig Meidl*

10
11 PACIFICA LAW GROUP LLP

12 *s/ Gregory J. Wong*

13 Paul J. Lawrence, WSBA No. 13557

14 Gregory J. Wong, WSBA No. 39329

Nicholas W. Brown, WSBA No. 33586

Kai A. Smith, WSBA No. 54749

15 *Attorneys for Intervenor-Defendant Safe Schools Safe Communities*